

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
Cosmed of Illinois	)	NOTICE OF VIOLATION
Waukegan, Illinois	)	
	)	EPA-5-03-IL-04
	)	
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act, 42 U.S.C.	)	
§ 7413(a)(1)	)	

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**NOTICE OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Cosmed of Illinois (Cosmed) is violating the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On May 31, 1972, U.S. EPA approved Rule 103(b)(1) (35 Illinois Administrative Code (IAC) 201.143) as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10862.
2. Rule 103(b)(1) stipulates that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by paragraph (a) of this Rule 103 [Section 201.142] without first obtaining an operating permit from the Agency (IEPA).

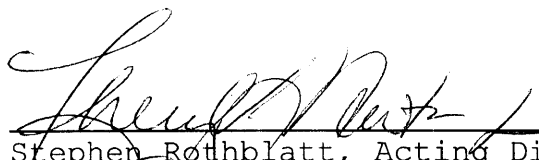
**Cosmed's Waukegan, Illinois Facility**

3. Cosmed owns and operates an ethylene oxide sterilization facility at 1160 Northpoint Boulevard, Waukegan, Illinois.
4. Cosmed's Waukegan facility contains new (constructed after April 14, 1972) emission sources (sterilization chambers and aeration rooms) and new (constructed after April 14, 1972) air pollution control equipment (sterilization chamber and aeration room scrubbers) and is therefore subject to the permit regulations in the Illinois SIP at 35 IAC 201.143.

**Violations**

5. The Illinois Environmental Protection Agency (IEPA) issued Cosmed an operating permit for its Ethylene Oxide Sterilization Facility on April 25, 1997, which expired on November 6, 2001.
6. IEPA received an application for an Operating Permit (Full Permit) from Cosmed on March 4, 2002.
7. IEPA issued Cosmed a Permit Denial on May 23, 2002.
8. Cosmed has been operating without an operating permit since November 6, 2001, in violation of 35 IAC 201.143.

12/24/02  
Date

  
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Stephen Rothblatt, Acting Director  
Air and Radiation Division